IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Crl.MC.No. 2218 of 2007()

CRMP.3172/2007 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES),PUNALUR
OR NO.16/07 OF ANCHAL RANGE.

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PETITIONER:

ASHOK KUMAR, S/O SADANANDAN,
KRISHNANVILASWOM, EZHAMKULAM MURI,
THINKAKKALKARIKKAM VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.SIJU KAMALASANAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
FOREST RANGE OFFICER, ANCHAL THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI. JIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NO.2218 OF 2007

Dated this the 11th day of July, 2007

ORDER

Aggrieved by an order passed by the learned Magistrate under Sec.451 of the Cr.P.C., the petitioner had come to this Court. By order dated 6/6/07, this Court had directed that the vehicle in question be released to the petitioner subject to conditions. Condition No.2 obliges the petitioner to make a cash deposit of Rs.25,000/- and also to offer bank guarantee for the balance amount. This was directed to be done within a period of one month from 6/6/07.

2. The petitioner contended before the learned Magistrate that he is entitled to get release of the vehicle and that he need deposit the amount and produce the bank guarantee only within one month from the date of the order. The learned Magistrate, according to me, has rightly turned down the said prayer and rejected the said application by

Annexure-3 order. The petitioner has come before this Court again.

3. What is the present grievance? A period of one month having already elapsed from 6/6/07 and the petitioner having not complied with the direction, there can be no surviving dispute as to whether the condition has been complied with or not. Admittedly, it has not been complied with. The learned counsel for the petitioner, in these circumstances, only prays that the petitioner may be granted time of one month more from this date to make cash deposit and make the bank guarantee available before the court. In the facts and circumstances of this case, I am satisfied that a lenient view can be taken and such extension of time can be granted to the petitioner.

4. In the result, this petition is allowed. The petitioner shall have time of one month more from this date to comply with the direction issued on 6/6/07.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge